

# Notice of Allowability

## Application No.

10/659,236

## Examiner

Rodney B. White

## Applicant(s)

THOMAS, JOHN S.

## Art Unit

3636

### -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 9/20/2004 and the Interview on 9/29/2004.
2. ☒ The allowed claim(s) is/are 1-16 and 18-20, renumbered 1-19.
3. ☒ The drawings filed on 09 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/29/04.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Larry L. Coats (#22,260) on September 29, 2004.

The application has been amended as follows:

#### **In the Claims:**

1. (Twice Amended) A foldable bench comprising:
  - a. at least two seat sections wherein the seat sections are movable between an extended position and a folded position;
  - b. at least two legs that are mounted to [the bench] each respective seat section and movable between a foldable position and an extended position;
  - c. a pair of first connectors connecting the respective seat sections to the respective legs when the seat sections assume an extended position ;

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- d. wherein when the bench supports a load when in the extended position, the first connectors are in compression,
- e. a second connector for connecting the two legs when the two legs assume an extended position; and
- f. wherein when the bench supports a load when in the extended position and the second connector is connected between the two legs, the second connector is in tension.

11. (Twice Amended) A foldable bench movable between a folded position and an erect position, comprising: a pair of seat sections wherein the seat sections are movable between a folded position and an extended position, a pair of foldable legs, each leg adapted to extend from one seat section and movable from a folded position to an [extended] erect position; wherein when the bench assumes the erect position, the legs assume the extended position but are inclined at least slightly inwardly such that each leg extends downwardly and inwardly from a respective seat section; a strut connected between each leg and a respective seat section when the bench is in the erect position, each strut is held in compression when the bench supports a load when in the erect position; and an interconnecting member interconnected between the two legs such that when the bench is in the erect position and supporting a load, the interconnecting member is held in tension.

16. (Twice Amended) A method of unfolding and erecting a foldable bench

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having at least two seat sections, comprising:

- a. moving the seat sections from a folded position to an unfolded position
- b. moving a pair of legs from a folded position to an unfolded position;
- c. stationing the legs in an unfolded position by connecting a strut to each leg and extending the strut towards a respective seat section;
- d. in response to a load being placed on the bench when the bench is in the unfolded position, the struts are in compression; and
- e. interconnecting the legs with an interconnecting member and maintaining the interconnecting member in tension when the bench carries a load when in the unfolded position.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
September 29, 2004



RODNEY B. WHITE  
PRIMARY EXAMINER